

Georgia Government Transparency and Campaign Finance Commission

200 Piedmont Avenue, SE | Suite 1402, West Tower | Atlanta, Georgia 30334
404-463-1980 | www.ethics.georgia.gov

COMMISSION MEETING AGENDA

Regular Meeting | Friday, November 16, 2012 | 9:30 AM

**Location: Paul D. Coverdell Legislative Office Building, Room 515
18 Capitol Square SW, Atlanta, GA 30334**

Meeting Called to Order	
Opening Comments of the Chair	
Reading and approval of July 23, 2012 Commission Meeting Minutes	1

COMMISSION ELECTIONS

Election of Commission Chairperson for a 1 year term from December 16, 2012 to December 15, 2013	2
Election of Commission Vice Chairperson for a 1 year term from December 16, 2012 to December 15, 2013	3

ADVISORY OPINIONS

Reexamination of Advisory Opinion 2012-01 <ul style="list-style-type: none">Submitted by: Chief Judge David Motes Hearing for ClarificationPoints of reexamination presented by: Elisabeth Murray-Obertein, Staff AttorneyTopic of Reexamination: Qualifying Fee, Election Cycle	4
Advisory Opinion 2012-02 <ul style="list-style-type: none">Submitted by: Barry A. Bostrom, General Counsel for ActRight FundReceived: June 12, 2012Summary of Advisory Opinion Request:<ol style="list-style-type: none">Does Georgia law permit ActRight Fund (ActRight Fund and the ActRight.com website, is an online clearinghouse for conservative action. The goal is to permit donors to contribute to state and federal candidates nationwide) to register a separate segregated fund (ActRight Georgia) to accept designated contributions from individuals for Georgia candidates?May ActRight Georgia distribute these contributions to each candidate as a contribution from ActRight Georgia?Each donor will be identified and reported on ActRight Georgia reports. Should the candidates report the individual donors or do they simply report the contribution amount as a single contribution from ActRight Georgia to each candidate?Are there any errors in the summary of Georgia campaign finance law in this advisory opinion request?	5
Advisory Opinion 2012-03 and 2012-05 <ul style="list-style-type: none">Submitted by: 2012-03/Holly LaBerge, Executive Secretary, GGT&CFC 2012-03/Elisabeth Murray-Obertein, Staff Attorney, GGT&CFC 2012-05/ J. Randolph Evans, McKenna Long & Aldridge, LLPReceived: June 14, 2012Topic: Legal Fees	6
Advisory Opinion 2012-04 and 2012-06 <ul style="list-style-type: none">Submitted by: 2012-04/Holly LaBerge, Executive Secretary, GGT&CFC 2012-04/Elisabeth Murray-Obertein, Staff Attorney, GGT&CFC 2012-06/ J. Randolph Evans, McKenna Long & Aldridge, LLPReceived: June 14, 2012Topic: Aircraft	7

Georgia Government Transparency and Campaign Finance Commission

200 Piedmont Avenue, SE | Suite 1402, West Tower | Atlanta, Georgia 30334
404-463-1980 | www.ethics.georgia.gov

LATE FEE APPEAL REQUESTS TO COMMISSION

Josh Belinfante, Esq.	8
Lee A Fleck	9
Thomas Lowery	10
Melanie S. McNeil, Esq.	11
Jean C. McRae	12
Cheryl A. Tucker	13

ORDER REQUEST

Motion to deny renewal of registration for Lobbyists with unpaid fees, fines and unfiled reports. Presented by: Holly LaBerge, Executive Secretary Elisabeth Murray-Oberteier, Staff Attorney	14
---	----

AWARD OF ATTORNEY FEE REQUESTS TO COMMISSION AND MOTION TO DISMISS REQUEST FOR AWARD OF ATTORNEY FEES

In the Matter of Nathan Deal Complaint No.: 2011-0008 Respondent: J. Randolph Evans, Esq., McKenna Long & Aldridge, LLP, Attorneys for Governor Nathan Deal Complainant: George Anderson with Motion to Dismiss Respondent's Motion for Attorney Fees	15
In the Matter of Nathan Deal Complaint No.: 2011-0009 Respondent: J. Randolph Evans, Esq., McKenna Long & Aldridge, LLP, Attorneys for Governor Nathan Deal Complainant: George Anderson with Motion to Dismiss Respondent's Motion for Attorney Fees	16
In the Matter of Nathan Deal Complaint No.: 2011-0011 Respondent: J. Randolph Evans, Esq., McKenna Long & Aldridge, LLP, Attorneys for Governor Nathan Deal Complainant: George Anderson with Motion to Dismiss Respondent's Motion for Attorney Fees	17

OTHER BUSINESS

Report of the Executive Secretary	18
Report of the System Administrator	19
Public Comment	20

GEORGIA GOVERNMENT TRANSPARENCY AND CAMPAIGN FINANCE COMMISSION

MOTION TO DENY RENEWAL OF REGISTRATION FOR LOBBYISTS WITH UNPAID FEES, FINES AND UNFILED REPORTS

NOW COMES, Holly LaBerge, Executive Secretary of the Georgia Government Transparency and Campaign Finance Commission, and respectfully moves the Board of Commissioners of the Georgia Government Transparency and Campaign Finance Commission to grant an **Order** that denies all lobbyists that have unpaid fees, fines and unfiled reports renewal of their yearly registration with the Commission until all unpaid fees and fines are paid in full and/or all outstanding reports have been properly filed. In support of this Motion, the Movant submits the following:

Unpaid Registration fees

Each lobbyist is required to register with the Commission O.C.G.A. § 21-5-71 (b). Each registration that is granted pursuant to the code shall expire on December 31 of each year. The Commission may establish renewal procedures for those applicants desiring continuous registrations O.C.G.A. § 21-5-71 (d).

Each person registering under this Code section shall pay the registration fees set forth in paragraph (2) of this subsection; provided, however, that a person who represents any state, county, municipal, or public agency, department, commission, or authority shall be exempted from payment of such registration fees.

The commission shall collect the following fees:

- (A) Annual lobbyist registration or renewal filed pursuant to this Code section \$300.00
 - (B) Lobbyist supplemental registration filed pursuant to this Code Section 10.00
 - (C) Each copy of a lobbyist identification card issued pursuant to this Code Section 20.00
- O.C.G.A. §21-5-71 (f)(1) and (2)

There are currently 79 lobbyists that have unpaid annual registration, supplemental registration and or identification card fees which total **\$15,280.00**.

Lobbyist Reports

A person who is a lobbyist pursuant to subparagraph (A), (B), or (C) of paragraph (5) of Code Section 21-5-70 shall file a semimonthly disclosure report on the first and fifteenth day of each month, current through the end of the preceding report, beginning January 15 and continuing throughout the period that the General Assembly is in session O.C.G.A. § 21-5-73(b).

In addition, a person who is a lobbyist pursuant to subparagraph (D) or (E) of paragraph (5) of Code Section 21-5-70 shall file a disclosure report, current through the end of the preceding month, on or before the fifth day of May, September, and January of each year instead of the reports required by subsections (b) and (d) of this Code section O.C.G.A. § 21-5-73(c)(1).

A person who is a lobbyist pursuant to subparagraph (A), (B), (C), (F), (G), (H), (I), or (J) of paragraph (5) of Code Section 21-5-70 shall file a monthly disclosure report, current through the end of the preceding period, on or before the fifth day of each month; provided, however, that such monthly reports shall not be filed during any period that the lobbyist files a semimonthly report pursuant to subsection (b) of this Code section O.C.G.A. § 21-5-73 (d).

There are currently 361 lobbyists who have **818 late reports, of which 165 reports have not been filed** and are due pursuant to the Act.

Fees for Late Reports

The Commission shall collect the following fees:

For reports filed when the General Assembly is not in session, in addition to other penalties provided under this chapter, a late fee of \$275.00 shall be imposed for each report that is filed late. In addition, a late fee of \$1,000.00 shall be imposed on the fifteenth day after the due date for such report if the report has not been filed. A late fee of \$10,000.00 shall be imposed on the forty-fifth day after the due date for such report if the report has not been filed O.C.G.A. §21-5-71(f)(2)(D)(i).

For reports filed when the General Assembly is in session, in addition to other penalties provided under this chapter, a late fee of \$275.00 shall be imposed for each report that is filed late. In addition, a late fee of \$1,000.00 shall be imposed on the seventh day after the due date for such report if the report has not been filed. A late fee of \$10,000.00 shall be imposed on the twenty-first day after the due date for such report if the report has not been filed O.C.G.A. §21-5-71(f)(2)(E)(i).

There is currently **\$2,316,330.00** in outstanding fees.

Powers of the Commission

The Commission has the authority to suspend a lobbyist's registration based upon the following provisions of the Act:

§ 21-5-72. Denial, suspension, or revocation of registration; reinstatement; civil penalty

- (a) In addition to other penalties provided in this article, the commission may by order deny, suspend, or revoke for a period not to exceed one year the registration of a lobbyist if it finds that the lobbyist:
- (1) Has filed an application for registration with the commission which was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;
 - (2) Has willfully violated or willfully failed to comply with this article or a rule promulgated by the commission under this article;
 - (3) Has failed to comply with the reporting requirements of this article; or
 - (4) Has engaged in lobbying practices in violation of this article.
- (b) Application may be made to the commission for reinstatement. Such reinstatement shall be conducted in the same manner as required for an initial registration under this article and shall be conditioned upon payment of the same registration fees applicable to an initial registration and also any outstanding penalty fees.
- (c) Any person failing to comply with or violating any of the provisions of this article shall be subject to a civil penalty not to exceed \$2,000.00 per violation.

Conclusion

The **Movant**, respectfully asks that due to the number of lobbyists that have outstanding fees and fines and unfiled reports, the Commission issue an **Order** that denies those lobbyists a renewal of the lobbyist registration for 2013 until those lobbyist have paid all unpaid fees and/or fines and/or properly filed all outstanding reports.

This is the _____ day of November, 2012

Holly LaBerge
Executive Secretary
Georgia Government Transparency and Campaign Finance Commission